



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,193	08/18/2003	Toru Ashida	Q76960	1108

23373 7590 04/20/2005
SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

KUGEL, TIMOTHY J

ART UNIT	PAPER NUMBER
----------	--------------

1712

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

16 JW

Office Action Summary

Application No.

10/642,193

Applicant(s)

ASHIDA ET AL.

Examiner

Timothy J. Kugel

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 1-6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-6 are pending as filed 18 August 2003.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

3. The disclosure is objected to because of the following informalities: The word 'and' should be 'or' (Abstract Line 6 and Page 6 Line 7); the phrase "...is added by dye which..." should be "...to which is added a dye that..." (Page 1 Line 16); a chemical formula appears without explanation or reference number (Page 1 Line 19); The word 'the' should appear between 'that' and 'polymer' (Page 5 Line 22), 'of' and 'monoazo' (Page 7 Line 8), 'of' and 'naphthol' (Page 7 Line 14), 'of' and 'diazo' (Page 7 Line 17), 'obtain' and 'disazo' (Page 7 Line 21), 'for' and 'salt' (Page 8 Line 7, Page 9 Line 9 and Page 10 Line 5), 'of' and 'disazo' (Page 8 Line 22) and 'using' and 'azo' (Page 8 Line 23) and before the words 'salt' (Page 8 Line 22) and 'disazo' (Page 11 Line 5); the word 'a' should appear between the words 'prepare' and 'dyebath' (Page 5 Line 22), 'required' and 'fixing' (Page 6 Line 18), 'containing' and 'cationic' (Page 6 Line 19), 'protective' and 'film' (Page 6 Line 21), 'example' and 'cellulose' (Page 6 Line 24), 'film,' and 'fluoride' (Page 6 Line 24), 'film,' and 'polyolefin' (Page 7 Line 1), 'film,' and 'polyamide' (Page 7 Line 1), 'obtain' and 'solution' (Page 7 Line 12), between 'in and '7.5%' (Page 8 Line 9, Page 9 Line 11 and Page 10 Line 7) and before the word 'polyester' (Page 7 Line 1); the phrase "...either methods of..." should be removed

(Page 6 Line 7); the phrase "...with kinds..." should be "...with the kind..." (Page 6 Line 14); the word 'an' should appear between the words 'using' and 'aqueous' (Page 6 Line 16), 'by' and 'aqueous' (Page 6 Line 18), 'film,' and 'acrylic' (Page 6 Line 24), 'adding' and 'aqueous' (Page 7 Line 19) and 'in' and 'aqueous' (Page 9 Line 3); the word 'of' between the words '35%' and 'hydrochloric' should be removed (Page 7 Line 11); the word 'was' should appear between the words 'compound' and 'denoted' (Page 8 Line 1), 'obtained' and 'denoted' (Page 8 Line 14, Page 9 Line 15 and Page 10 Line 11) and 'salt' and 'denoted' (Page 9 Line 2); the word 'is' should be 'was' (Page 8 Line 6, Page 9 Line 8 and Page 10 Line 4); the phrase "...of its..." should be removed (Page 8 Line 8 and Page 9 Line 10); the word 'of' between the words '7.5%' and 'aqueous' should be removed (Page 8 Line 9 and Page 9 Line 11); the word 'at' should appear between the words 'denoted' and '550' (Page 8 Line 14, Page 9 Line 15 and Page 10 Line 11) and between 'denoted' and '532' (Page 9 Line 2); the word 'the' between the words 'of' and 'formula' should be removed (Page 8 Line 23); the phrase "...of an..." should be removed (Page 10 Line 7); the chemical formula (7) appears without explanation (Page 10 Line 16); and the phrase "...it can be..." should appear between the words 'thereby' and 'used' (Page 11 Line 9). Appropriate correction is required.

4. The use of the trademarks KURARAY and VINYLON have been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort

made to prevent their use in any manner that might adversely affect their validity as trademarks.

Claim Objections

5. Claims 1-6 are objected to because of the following informalities: The word '6-8-disulfo-2-naphtyl' should be '6-8-disulfo-2-naphthyl' (Claim 1 Line 4, Claim 4 Line 11 and Claim 5 Line 16) and the word 'and' should be 'or' (Claim 1 Line 4 and Claim 5 Line 16). Appropriate correction is required. For the purpose of examination, the claims were construed as such.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

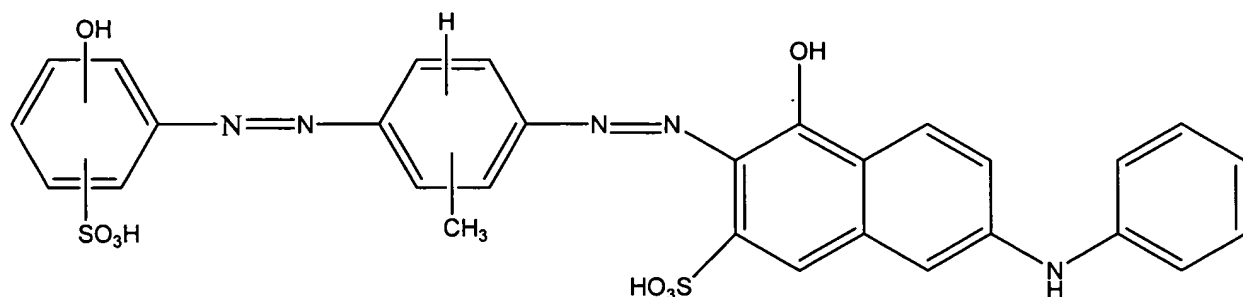
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by World Intellectual Property Organization Patent Application WO 00/37973 (Furuhashi et al.). Please note that U.S. Patent 6,552,849, from which all references in this Office action are taken, is the U.S. equivalent to WO 00/37973.

Art Unit: 1712

Furuhashi et al. teach a disazo dye represented by the formula

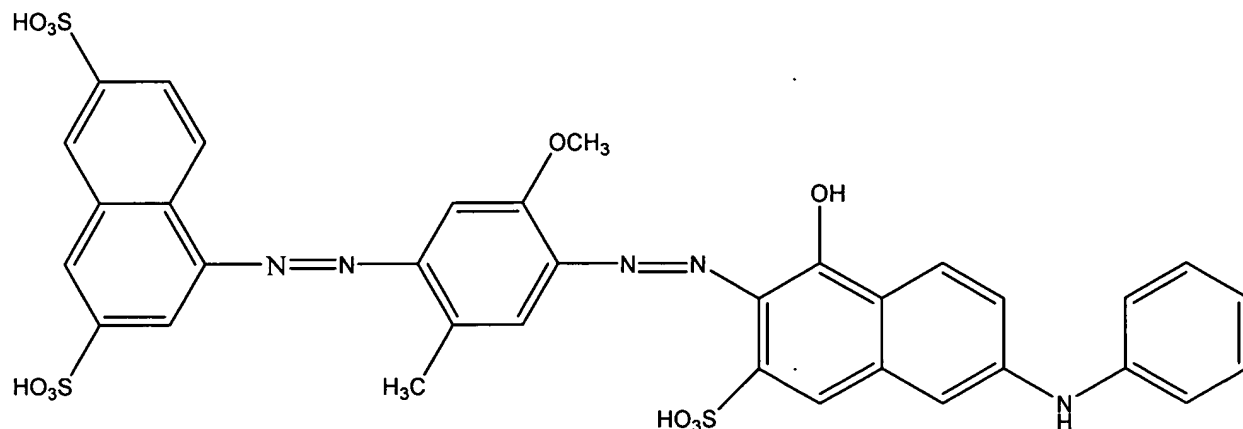


(Formula 2, Column 2 Lines 40-59 and Column 4 Lines 42-47) and a color polarizing plate comprising said dye in a poly(vinyl alcohol) based film (Column 7 Lines 27-41).

Allowable Subject Matter

8. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Japanese Patent 2002-357720 (Daisaku et al.) teaches a poly(vinyl alcohol) resin based film polarizer (π 0002) using a disazo dye of the formula



(Formula 16) but the group represented in the claims of the instant application as R^2 is a methoxy group rather than a hydrogen atom.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Japanese Patent 2001-235629, cited by applicant, teaches a similar 4-sulfophenyl disazo compound but with no methyl group in the R₁ or R₂ position.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Kugel whose telephone number is (571) 272-1460. The examiner can normally be reached on 6:30 AM - 3:30 PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ROBERT E.L. SELLERS
PRIMARY EXAMINER